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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,116	09/16/2003	Eiji Koumoto	FPO-20126-A (108455-1)	1820

7590 06/28/2005

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EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,116	KOUmoto, EIJI	
	Examiner	Art Unit	
	Daniel J. Chung	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/645,855.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-4 and 6-11 are presented for examination. Claim 5 has been cancelled and claim 11 has been added by the amendment filed on 4-1-2005. This office action is in response to the amendment filed on 4-1-2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea (6,464,618) in view of Brandt (6,134,508).

Regarding claim 1, Shea discloses that the claimed feature of a bicycle computer comprising: a run information input part for inputting information including run information of a bicycle [i.e. 400] (See Fig 4, Fig 9, Fig 11); a personal input part for inputting personal information of a user (See Fig 11); display means displaying information in at least upper and lower lines; display means for displaying a plurality of information including input run information and input personal information of the user (See Fig 3, Fig 7, col 12 line 30-40); customization select means for selecting by the user whether or not to customize contents to be displayed on display means (See col

13 line 20-23); customization item select means for selecting an item to be customized when customization is selected (See col 13 line 24-28); and display mode select means for selecting a display mode for selected item to be customized (See col 9 line 27-67), and display mode selecting means select the number of lines to be displayed on display means. (See col 26 line 52-58, Fig 7)

Shea does not specifically disclose that “displaying information in upper and lower lines; selecting a display mode for the selected item to be customized and selecting the number of lines to be displayed on the display means”, as recited in claim. However, such limitations are shown in the teaching of Brandt. [i.e. “upper and lower frame”; (See col 1 line 63-64, Fig 2B) i.e. “a program mode is provided to enable customizing the sequence, position, and selection of displayed data...”, (See Fig 3A-3E, col 1 line 46-col 2 line 52, col 4 line 52-58, col 4 line 59-col 5 line 2, col 5 line 52-62) i.e. “these functions are displayed in user-selectable combinations of successive two-frame windows” (See col 5 line 1-2, col 6 line 44, col 12 line 8-19, col 12 line 47-59, col 14 line 54-57) It would have been obvious to one skilled in the art to incorporate the teaching of Brandt into the teaching of Shea, in order to provide exercise system with user friendly display manner [i.e. “increased flexibility for the user” (See col 1 line 65 in Brandt)], as such improvement is also advantageously desirable in the teaching of Shea for displaying exerciser information with reflection of user’s preferences.

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Regarding claim 2, refer to the discussion for the claim 1 hereinabove, Brandt further discloses that display mode select means select, when number of lines to be displayed on display means are two including upper and lower lines, respective display sizes at upper and lower lines. (See Fig 3A-3E, col 1 line 46-col 2 line 52, col 4 line 52-58, col 4 line 59-col 5 line 2, col 5 line 52-62)

Regarding claim 3, Shea discloses that item to be customized is input run information. (See Fig 11A, col 12 line 30-35, col 13 line 20-23)

Regarding claim 4, Shea discloses that means for storing personal information of the user and run information of the bicycle (See Fig 11, col 12 line 30-41); and means for determining if personal information of the user or run information of the bicycle meets a prescribed requirement (See col 17 line 64-col 18 line 6); wherein display means display a prescribed indication when means for determining determine that prescribed requirement is met.(See col 18 line 8-17)

Regarding claim 6, refer to the discussion for the claim 1 hereinabove, Brandt further discloses that a selector for selecting the display size of upper and lower lines. (See Fig 3A-3E, col 1 line 46-col 2 line 52, col 4 line 52-58, col 4 line 59-col 5 line 2, col 5 line 52-62)

Regarding claim 7, Shea discloses that display means includes a mode of displaying a part in a digital system and another part in an analog system. (See Fig 15)

Regarding claim 8, Shea discloses that display means includes a display of a graph system. (See Fig 15)

Regarding claim 9, refer to the discussion for the claim 1 hereinabove, Brandt further discloses that a selector for selecting a display language on display means. (See Fig 3A-3E, col 1 line 46-col 2 line 52, col 4 line 52-58, col 4 line 59-col 5 line 2, col 5 line 52-62)

Regarding claim 10, claim 10 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 10.

Regarding claim 11, refer to the discussion for the claim 1 hereinabove, Brandt further discloses that selecting the display size of upper and lower lines. [i.e. "two frames in the display" to "a single larger display"] (See col 3 line 13-16)

Response to Arguments/Amendments

Applicant's arguments and amendments received on 4-1-2005 have been carefully considered. However, they do not overcome the previous rejection, which has been maintained. Thus, the finality of this office action is deemed proper.

Regarding claim 1 and 10, applicant argued that the cited references do not disclose that "selecting the number of lines to be displayed." (See Remarks p.5 line 23-25, p.6 line 4-5) However, Brandt clearly discloses that "upper and lower frame" and "these functions are displayed in user-selectable combinations of successive two-frame windows", (See col 1 line 63-64, Fig 2B , col 5 line 1-2, col 6 line 44, col 12 line 8-19, col 12 line 47-59, col 14 line 54-57) Since patent office is entitled to take the broadest reasonable interpretation of any claim, in this case, "upper and lower fame" of Brandt can be considered as 'upper and lower lines' in recited claim, and it is noted that such upper and lower frame are selected by user for displaying functions, which inherently meets claimed limitation. See the rejection hereinabove.

Conclusion

Applicant's response and amendment are not persuasive and the previous grounds of rejection have been maintained. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
June 10, 2005

A handwritten signature in black ink, appearing to read 'M. Razavi', with a long horizontal stroke extending to the right.

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600